

225 CMR: DEPARTMENT OF ENERGY RESOURCES

225 CMR 18.00: LONG-TERM CONTRACTS FOR RENEWABLE ENERGY

Section

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18.01: Purpose and Scope

(1) Purpose. 225 CMR 18.00 establishes regulations for electric distribution companies to consult with the Department of Energy Resources (DOER) regarding development of timetables and methods for solicitation and execution of long-term contracts and proposed methods of contracting with renewable energy developers.

(2) Scope.

- (a) 225 CMR 18.03 applies to renewable energy developers and renewable energy generation source(s) proposed by renewable energy developers.
- (b) 225 CMR 18.04 applies to electric distribution companies within the Commonwealth of Massachusetts.

18.02: Definitions

For purposes of 225 CMR 18.00, the terms set forth below will be defined as follows, unless the context otherwise requires.

DOER means the Department of Energy Resources.

Distribution Company shall be as defined in M.G.L. c. 164, § 1.

Renewable Energy Developer means an individual or company engaged in the business of developing renewable energy generation sources for the production of electricity and renewable energy generation attributes.

Renewable Energy Generation Source means a source of generation of electricity or related attributes from renewable resources.

Renewable Resources are as defined in M.G.L. c. 25A, § 11F(b).

Long-Term Contract means a contract with a term of ten (10) to fifteen (15) years as specified by section 83 of chapter 169 of the Acts of 2008.

REC means Massachusetts renewable energy certificate.

18.03: Eligibility of Renewable Energy Generation Sources

- (1) In addition to compliance with applicable Department of Public Utilities regulations, renewable energy developers must demonstrate to DOER:
 - (a) That the renewable energy generation source to be used by the renewable energy developer has a commercial operation date of January 1, 2008, or later.
 - (b) That the renewable energy generation source is qualified to produce and sell RECs and participate in the Renewable Portfolio Standard (RPS) program under section 11F(b) of chapter 25A of the General Laws.

18.04: Consultation Requirement

- (1) Distribution companies shall propose all timetables and methods for soliciting proposals from renewable energy developers and methods of contracting, including the products to be solicited, in consultation with DOER.
- (2) Distribution companies shall satisfy the requirement that it consult with DOER in one of two ways:
 - (a) Distribution companies may satisfy the consultation requirement by participating in a DOER-administered solicitation and contracting process; or
 - (b) Distribution companies may satisfy the consultation requirement by soliciting proposals and contracts from renewable energy developers through a process other than the process administered by DOER including public solicitations, individual negotiations, or other methods, so long as:
 1. DOER receives notice of the distribution company's proposed timetables and methods for soliciting and executing long-term contracts prior to the distribution company's initial filing of such proposal(s) with the department of public utilities; and
 2. The distribution company takes into consideration any comments or suggestions, which DOER shall provide within 30 business days of receiving notice pursuant to subsection 1. The distribution company shall identify and explain in response comments to DOER areas of agreement and/or disagreement with DOER regarding the distribution company's proposed timetables and methods for soliciting and executing long-term contracts. Such response comments shall be filed with DOER at least five business days prior to the distribution company's initial filing of such proposal(s) with the department of public utilities. Such filing shall include DOER's comments and the distribution company's response comments.

REGULATORY AUTHORITY